

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **BIOPSY LOCALIZATION METHOD AND DEVICE** the specification of which _____ is attached hereto or X was filed on June 18, 1999 as Application No. 09/336,360 and was amended on _____ (if applicable).

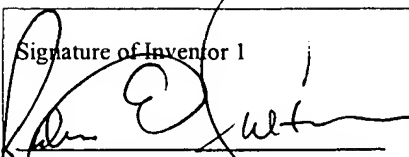
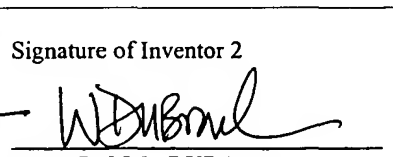
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/090,243	June 22, 1998
60/092,734	July 14, 1998
60/114,863	January 6, 1999
60/117,421	January 25, 1999

Full Name of Inventor 1:	Last Name: FULTON, III	First Name: RICHARD	Middle Name or Initial: EUSTIS
Residence & Citizenship:	City: Grand Junction	State/Foreign Country: Colorado	Country of Citizenship: United States
Post Office Address:	Post Office Address: 1556 Wellington Avenue	City: Grand Junction	State/Country: Colorado Postal Code: 81501
Full Name of Inventor 2:	Last Name: DUBRUL	First Name: WILLIAM	Middle Name or Initial: R.
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 1 Uccelli Blvd., Ste. A-7	City: Redwood City	State/Country: California Postal Code: 94063

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
RICHARD EUSTIS FULTON, III	WILLIAM R. DUBRUL
Date <u>Aug 10, 1999</u>	Date <u>8/12/99</u>

**SUPPLEMENTAL DECLARATION
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIOPSY LOCALIZATION METHOD AND DEVICE

the specification of which

is attached hereto.

 X
was filed on June 18, 1999 as U.S. Application No. 09/336,360
and was amended on September 21, 1999; June 7, 2000; August 22, 2000;
November 21, 2000; March 12, 2001; and March 29, 2001
(if applicable)

I hereby declare that the subject matter of the amendments filed on September 21, 1999; June 7, 2000; August 22, 2000; November 21, 2000; March 12, 2001; and March 29, 2001 was part of our invention and was invented before the filing date of the original application, above identified for such invention.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<u> </u> Yes	<u> </u> No
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/090,243</u> (Application Serial No.)	<u>June 22, 1998</u> (Filing Date)	<u> </u> (Patented, Pending, Abandoned)
<u>60/092,734</u> (Application Serial No.)	<u>July 14, 1998</u> (Filing Date)	<u> </u> (Patented, Pending, Abandoned)
<u>60/114,863</u> (Application Serial No.)	<u>January 6, 1999</u> (Filing Date)	<u> </u> (Patented, Pending, Abandoned)
<u>60/117,421</u> (Application Serial No.)	<u>January 27, 1999</u> (Filing Date)	<u> </u> (Patented, Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint
inventor, if any:

RICHARD E. FULTON

Inventor's signature:



Date:

5-18-01

Citizenship:

United States of America

Residence:

Grand Junction, Colorado

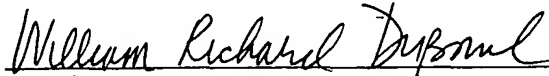
Post Office Address:

1556 Wellington Avenue, Grand Junction, Colorado 81501

Full name of second joint
inventor, if any:

WILLIAM RICHARD DUBRUL

Inventor's signature:



Date:

May 15, 2001

Citizenship:

United States of America

Residence:

Redwood City, California

Post Office Address:

No. 1 Uccelli Boulevard, Redwood City, California 94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Fulton et al.

Serial No.: 09/996,878

Filed: November 30, 2001

For: BIOPSY LOCALIZATION METHOD
AND DEVICE

Group Art Unit: 3736

Examiner: Not yet assigned

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
AND REVOCATION OF PRIOR POWERS**

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Judith Stant, President and Chief Executive Officer, of Artemis Medical, Inc., as representative of the Assignee of record of the entire interest of all applications listed below, hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34263.

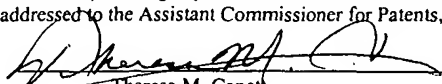
CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 25, 2003

Date of Deposit

IRI:1045900.1


Theresa M. Canett

EV337190425US

Patent US/(200C2)
Attorney Docket: 032,290-007
(Formerly ARTM 1000-7)

34263 PATENT TRADEMARK OFFICE	O'MELVENY & MYERS LLP 114 Pacifica, Suite 100 Irvine, CA 92618 (949) 737-2900
---	---

Please send all correspondence to the attention of John Kappos, at the above Customer Number, and direct all telephone calls to John Kappos at (949) 737-2900.

Assignee of interest: Artemis Medical, Inc.
Former Address: 655 Mariners Island Blvd., Suite 303, San Mateo, CA 94404
Current Address: 21021 Corsair Blvd., Hayward, CA 94545
Recorded in PTO: Reel 011439, Frame 0045, on January 2, 2001

In conformance with 37 C.F.R. §3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated: 7/23/03

By: Judith Stant

Judith Stant
President and Chief Executive Officer
Artemis Medical, Inc.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 31, 2001

PTAS



101590640A

HAYNES & BEFFEL LLP
JAMES F. HANN
P.O. BOX 366
HALF MOON BAY, CALIFORNIA 94019

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/02/2001

REEL/FRAME: 011439/0045
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GENESIS MEDICAL TECHNOLOGIES, INC. DOC DATE: 05/30/2000

ASSIGNEE:

ARTEMIS MEDICAL, INC.
655 MARINERS ISLAND BLVD., SUITE
303
SAN MATEO, CALIFORNIA 94404

SERIAL NUMBER: 09298279
PATENT NUMBER:

FILING DATE: 04/23/1999
ISSUE DATE:

ARTM 1008-1

SERIAL NUMBER: 09336360
PATENT NUMBER:

FILING DATE: 06/18/1999
ISSUE DATE:

ARTM 1000-

SERIAL NUMBER: 09677952
PATENT NUMBER:

FILING DATE: 10/02/2000
ISSUE DATE:

ARTM 1001-

SERIAL NUMBER: 09678508
PATENT NUMBER:

FILING DATE: 10/02/2000
ISSUE DATE:

ARTM 1001-

011439/0045 PAGE 2

SERIAL NUMBER: 09699081
PATENT NUMBER:

SERIAL NUMBER: 09063735
PATENT NUMBER:

FILING DATE: 10/27/2000
ISSUE DATE:

FILING DATE: 04/21/1998
ISSUE DATE:

137M 1012

ARTN 1001

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

01-23-2001

FORM PTO-1595
(Rev. 6-93)U.S. Department of Commerce
Patent and Trademark Office

101590640

To the Honorable Asst. Commissioner for Patents

... and the attached original documents or copy thereof

1. Name of conveying party(ies):

Genesis Medical Technologies, Inc. 1-2-01

Additional name(s) of conveying parties attached?

☐ Yes ☒ No.

2. Name and address of receiving party(ies)

Name: Artemis Medical, Inc.

Internal Address:

Street Address: 655 Mariners Island Blvd., Suite 303

City: San Mateo State: CA ZIP: 94404

Additional names and addresses attached?

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment☐ Merger☐ Security Agreement☒ Change of Name☐ Other:

Endorsement/Filing Date: 30 May 2000

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/298,279 filed on April 23, 1999 (Atty. Docket No. ARTM 1008-1)

Additional numbers attached?

☒ Yes☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James F. Hann
HAYNES & BEFFEL LLP
P.O. Box 366
Half Moon Bay, California 94019
(650) 712-0340

6. Total number of applications and patents involved

7. Total fee (37 CFR 3.41): \$240.00 (6 applications)

☒ Enclosed☐ Charge Fees to Deposit Account☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 50-0869

01/23/2001 DBYRNE 00000035 09298279

01 FC:581

240.00 00

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

James F. Hann

Name of Person Signing

Signature

Date

Atty Reg. No. 29,719

Total number of pages including cover sheet, attachments and document 4

10. Change Correspondence Address to that of Part 5?

☒ Yes☐ No

OMB No. 0651-0011 (exp. 4/94)

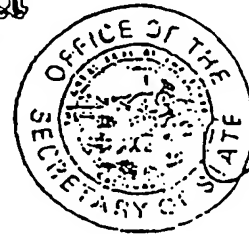
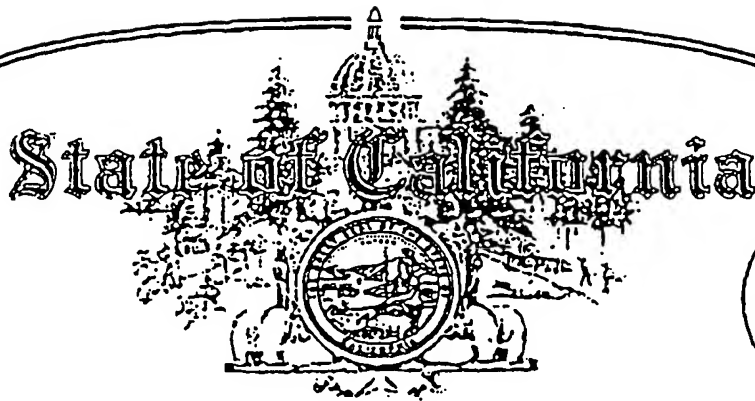
Mail documents to be recorded with required cover to:

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Box: Assignments
Washington, D.C. 20231

EV337190425US

ADDITIONAL PATENT APPLICATION NUMBERS

<u>Application No.</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>
09/336,360	June 18, 1999	ARTM 1000-1US
09/677,952	October 2, 2000	ARTM 1001-2US
09/678,508	October 2, 2000	ARTM 1001-3US
09/699,081	October 27, 2000	ARTM 1002-5US
09/063,735	April 21, 1998	ARTM 1007-1US

**SECRETARY OF STATE**

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 16 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

JUN 12 2000

Bill Jones

Secretary of State

A0546453

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAY 30 2000

BILL JONES, Secretary of State

**RESTATED ARTICLES OF INCORPORATION
OF
GENESIS MEDICAL TECHNOLOGIES, INC.**

Robert M. Curtis and Rick A. Orr hereby certify that:

ONE: The original name of this corporation is Genesis Medical Technologies, Inc. and the date of filing the original Articles of Incorporation of this corporation with the Secretary of State of the State of California, was March 15, 1999.

TWO: They are the duly elected and acting President and Secretary, respectively, of Genesis Medical Technologies, Inc., a California corporation.

THREE: The Articles of Incorporation of this corporation are hereby amended and restated to read as follows:

"I.

The name of the Company is ARTEMIS MEDICAL, INC. (the "Company").

II.

The purpose of the Company is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III.

A. The Company is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares which the Company is authorized to issue is twenty-two million four hundred twenty five thousand (22,425,000) shares, twenty million (20,000,000) shares of which shall be Common Stock (the "Common Stock"), with no par value, and two million four hundred twenty five thousand (2,425,000) shares of which shall be Preferred Stock (the "Preferred Stock") with no par value.

B. The Preferred Stock may be issued from time to time in one or more series. The Board of Directors is hereby authorized, within the limitations and restrictions stated in these Restated Articles of Incorporation, to fix or alter the rights, preferences, privileges and restrictions granted to or imposed upon shares of any wholly unissued series of Preferred Stock, and the number of shares constituting any such series and the designation thereof, or any of them; and to increase or decrease the number of shares of any series prior or subsequent to the issue of shares of that series, but not below the number of shares of such series then outstanding. In case the number of shares of any series shall be so decreased, the shares constituting such decrease shall resume the status which they had prior to the adoption of the resolution originally fixing the number of shares of such series.

TO THE U.S. PATENT & TRADEMARK OFFICE

**Please stamp the date of receipt of the following document(s)
and return this card to us:**

RE: R E Fulton III et al.

TITLE OF DOCUMENT(S):

ASSIGNMENT w/ Cover sheet (\$40/DA20-1430)

Application No.	<u>09/336,360</u>
File No.	<u>19928-000100</u>
Date Due	<u>n/a</u>
Date Mailed	<u>September 21, 1999</u>
Atty/Secty.	<u>JFH/gs</u>

FORM PTO-1595
(Rev. 6-93)

Recordation Form Cover Sheet
(Patents Only)

U.S. Department of Commerce
Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Richard Eustis Fulton, III and
William R. Dubrul

Additional name(s) of conveying parties attached?

☐ Yes ☒ No.

2. Name and address of receiving party(ies)

Name: Genesis Medical Technologies, Inc.

Internal Address:

Street Address: 655 Mariners Island Blvd., Ste. 303

City: San Mateo State: California ZIP: 94404

Additional names and addresses attached?

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: August 10 and 12, 1999

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/336,360

B. Patent No(s):

Additional numbers attached?

☐ Yes

☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James F. Hann, Esq.
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor.
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

☐ Enclosed ☒ Charge Fees to Deposit Account

☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8 Deposit account number: 20-1430

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

James F. Hann

Name of Person Signing

Signature

September 21, 1999

Date

Atty Reg. No. 29,719

Total number of pages including cover sheet, attachments and document 2

10. Change Correspondence Address to that of Part 5?

☒ Yes

☐ No

OMB No. 0651-0011 (exp. 4/94)

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Asst. Commissioner for Patents
Box: Assignments
Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Richard Eustis Fulton, III, of 1556 Wellington Avenue, Grand Junction, Colorado 81501, and William R. Dubrul, of 1 Uccelli Blvd., Ste. A-7, Redwood City, California 94063, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **BIOPSY LOCALIZATION METHOD AND DEVICE**
 Filing Date: **June 18, 1999**
 Application No.: **09/336,360 ; and**

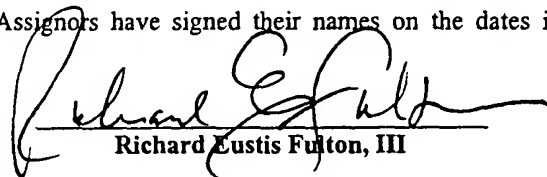
WHEREAS, Genesis Medical Technologies, Inc., a corporation of the State of California, located at 655 Mariners Island Blvd., Suite 303, San Mateo, California, 94404, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: Aug 10, 1999


 Richard Eustis Fulton, III

Witnesses:

Harven C. Dubrul

Dated: 8/12/99


 William R. Dubrul

Witnesses:

Harven C. Dubrul

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Fulton et al.

Serial No.: Not yet assigned

Filed: Submitted herewith

For: BIOPSY LOCALIZATION METHOD
AND DEVICE

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

NOTIFICATION

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

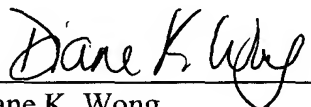
Sir:

Please be advised that claims 1-32 herein were copied substantially from Burbank et al., U.S. Patent No. 6,427,081.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 25, 2003

By: 

Diane K. Wong
Reg. No. P-54,550
Attorneys for Applicants

JCK/DKW/cp

34263
PATENT TRADEMARK OFFICE

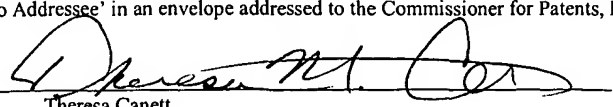
O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 337190425 US
Express Mail Label No.
IR1:1045893.1

July 25, 2003
Date of Deposit


Theresa Canett